pending. The Insurance company then commenced mandamus proceedings against the Board of Trustees of the Asylum to compel them to open the medical records of the institution for its inspection, claiming that the information sought was necessary to prepare for trial of the above mentioned cause. *Held,* that these were not public records and were protected from disclosure by the statutory privilege accorded communications between physician and patient. *Mass. Mutual Life Ins. Co.* v. *Board of Trustees of Mich. Asylum* (Mich. 1913), 20 Det. Legal News, 980, 144 N. W. 538.

Act No. 76 of the public acts of 1903 provides that officers having custody of public records shall furnish proper and reasonable facilities for their inspection, but it was practically conceded by relator that the records of the medical superintendent of the asylum were without the purview of this enactment. The question decided was, therefore, whether, in the absence of statute, the records kept by the medical superintendent, containing information acquired by him in his professional capacity, were open to inspection. That the contents of such records would be within the statutory privilege unless they were public records, is clear, and it is immaterial that the services of the physician were rendered without the request and even without the consent of the patient. *Smart* v. *Kansas City,* 208 Mo. 162; *Renihan* v. *Dennin,* 103 N. Y. 573; *Meyer* v. *Supreme Lodge, Knights of Pythias,* 178 N. Y. 63; *Freel* v. *Market St. Ry.,* 97 Cal. 40. Emphasis is laid by the court on the fact that the records sought to be inspected by relator were not kept under a general law of the state. It has been frequently held that records kept under a city ordinance or local act, and containing information acquired by a physician in his professional capacity are privileged. *Sovereign Camp, W. O. W.* v. *Crandon,* 64 Neb. 39; *Davis* v. *Supreme Lodge, Knights of Honor,* 165 N. Y. 159; *Buffalo Loan Ass'n* v. *Masonic Aid Ass'n,* 126 N. Y. 450. When the duty to record is imposed by a general law of the state, a different situation arises. Seemingly, in such a case, the records should be public, and their contents not privileged. *McKinstry* v. *Collins & Lowell,* 74 Vt. 147; *Henessy* v. *Ins. Co.* 74 Conn. 699. See also *Krapp* v. *Metropolitan Life Ins. Co.,* 143 Mich. 369. In this case a certificate of death made and filed by the attending physician in accordance with a state law was held competent evidence, although the information it contained had been acquired by the physician in his professional capacity. The decision here rested, however, on § 4617 of the Revised Statutes of 1897, which in terms makes such certificates admissible in evidence. It is doubtful whether, in the absence of some statutory provision such as governed the *Krapp* case, the medical records of an insane asylum would be competent evidence in this state even if kept under a state law.

HUSBAND AND WIFE—LIABILITY OF HUSBAND FOR NECESSARIES.—Plaintiff, an attorney, was employed by defendant, who was charged with murder, to defend him in the criminal trial. Defendant's wife, after he had been committed to jail, became violently insane, and plaintiff rendered services in connection with her commitment to an asylum. *Held,* although the services were not expressly contracted for, they were necessaries for which defendant was liable. *Moran* v. *Montz,* (Mo. App. 1913), 162 S. W. 323.

This case is in harmony with the current of modern decisions. It was said in the older books that "Necessaries consist only of food, drink, clothing, washing, physic, instruction and a suitable place for residence." *Thorpe* v. *Shapleigh,* 67 Me. 235. The modern view is opposed to any arbitrary limitations by schedule, and recovery for legal services is commonly allowed. In *Conant* v. *Burnham,* 133 Mass. 303, 43 Am. Rep. 532, a husband was held liable for legal services rendered to his wife in successfully defending her against a complaint instituted against her by him for being a common drunkard. In accord is *Warner* v. *Heiden,* 28 Wis. 517, 9 Am. Rep. 515. But in *Ray* v. *Adden,* 50 N. H. 82, 9 Am. Rep. 175, an attorney who represented defendant's wife in an action brought against her for divorce, which was dismissed without prejudice, was not allowed to recover for his services. Where the wife sues for an absolute divorce her attorney commonly cannot recover from her husband, *Shelton* v. *Pendleton,* 18 Conn. 417; *Daw* v. *Eyster,* 79 Ill. 254. But where the proceedings are instituted upon reasonable grounds for a judicial separation only, recoveries for services are usually allowed. *Rice* v. *Shepherd,* 12 E. C. (N. S.) 332.

HUSBAND AND WIFE—CAN A MARRIED WOMAN BE A VAGRANT.—A married woman who lived with her husband about one-half of the time was convicted of vagrancy. On appeal the court said that the husband represents the "visible means of support" to which the statute refers and that although he is not shown to be able to support her and she is shown to be able to work and does not, yet she cannot be convicted of vagrancy. *Brown* v. *State* (Ga. 1913), 79 S. E. 1133.

This case emphasises the legal duty of the husband to support his wife. In the principal case the court said: "In the present state of the law the burden of supporting the family falls upon the husband, in return for which the law crowns him with the proud but meaningless title of 'head of the family.' If he would wear the crown he must bear the burden. Some day all this may be changed, but we are dealing with present-day law, and 'sufficient unto the day is the evil thereof.'" In *Taylor* v. *State,* 59 Ala. 19, it was held that a minor supported by her parents who have an honest occupation cannot be convicted of vagrancy although she may be a lewd woman. A common prostitute as such cannot be convicted of being a vagrant. Vagrancy is a statutory offense and the defendant must clearly come within the class named in the statute to warrant a conviction. *Forbes Case,* 11 Abb. Prac. 52.

INJUNCTION—TO PREVENT BREACH OF COVENANT NOT TO COMPETE.—Defendants were the owners of a bus line and sold it to the plaintiff. It was stipulated in the bill of sale of the property, that the defendants should not afterwards engage in the same business in the same town. Shortly after the sale had been completed, however, the mother of the defendants purchased other busses, and the defendants have been driving such busses, and practically carrying on the business, as managers for their mother. This bill is brought to enjoin the defendants from breaking their contract not to enter into the business again. *Held,* that an injunction should be granted. *Hollis-ton* v. *Ernston* (Minn. 1913) 144 N. W. 415.